

Art Unit: 1634

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/19/2010 has been entered. Due to the amendment to the claims presented below, the rejections of record have been withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Olga Kay on 3/23/2010.

The application has been amended as follows:

1. A method for determining an individual's increased risk for obesity, wherein the individual is a human female, the method comprising: detecting the presence of an obesity-related polymorphism in a frizzled-related protein (FRZB) gene in a nucleic acid sample of the individual, wherein the obesity-related polymorphism is an A allele of G19524A of the FRZB gene wherein nucleotide position 19524 is with respect to SEQ ID NO 1 and the A allele occurs in the complement of SEQ ID NO 1, wherein the presence of said A allele of G19524A provides an indication of the individual's increased risk for obesity.

Cancel claim 2.

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3. The following is an examiner's statement of reasons for allowance:

The claims recite the polymorphism of G19524A with respect to SEQ ID NO 1 therefore the polymorphism is described. Additionally, the specification demonstrates that the A allele of FRZB_G19524A SNP in a human female population is statistically associated with increased BMI (See pg. 50 lines 13-18) and thus the claims as amended are enabled. The art does not teach or reasonably suggest that G19524A of FRZB gene is associated with obesity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarae Bausch whose telephone number is (571) 272-2912. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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/Sarae Bausch/

Primary Examiner, Art Unit 1634